

**FUNERAL DIRECTORS EXAMINING BOARD MEETING
MINUTES
AUGUST 4, 2009**

PRESENT: J.C. Frazier, Michele Moore, Rosalie Murphy, David Olsen, Connie Ryan and Pat Thornton

STAFF PRESENT: Yolanda McGowan, Bureau Director; Peggy Wichmann, Legal Counsel; Michelle Solem, Bureau Assistant; other Department staff were present during portions of meeting

GUESTS: Erin Krueger, Funeral Service/Cremation Alliance

CALL TO ORDER

Connie Ryan, Chair, called the meeting to order at 9:38 a.m. A quorum of six (6) members was present.

AGENDA

MOTION: David Olsen moved, seconded by J.C. Frazier, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES (MAY 12, 2009)

MOTION: Michele Moore moved, seconded by Rosalie Murphy, to approve the Minutes of May 12, 2009 as published. Motion carried unanimously.

Welcome and Introduction of Public Attendees

The Board invited introductions of public attendees.

**ADMINISTRATIVE REPORT
YOLANDA MCGOWAN, BUREAU DIRECTOR**

Department Updates

Yolanda McGowan introduced Michelle Solem as the new Bureau Assistant. Yolanda asked the Board to complete the emergency contact form along with travel vouchers and per diems and give them to Michelle. She then explained the new E-credential program. She also announced the retirement of Peggy Wichmann, Legal Counsel.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY
CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES**

None.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF
ENFORCEMENT**

Attorney Lara Herman presented the Proposed Stipulation, Final Decision and Order in the matter of Robert A. McAdams (06 FDR 013).

Investigator Willie Garrett presented the Proposed Stipulation, Final Decision and Order in the matter of Scott C. Hill (09 FDR 003).

LEGISLATION/ADMINISTRATIVE RULES

None

EDUCATION AND EXAMINATION

None

TRAVEL

None

ENFORCEMENT

Discussion Regarding Inspections of New Funeral Establishments

Greg Raube, DOE and the Department asked the Board for guidance related to inspections of prep rooms for new funeral homes using existing prep room. Connie Ryan asked that the “checklist” for new establishments be placed on the Internet so that this Board can become an educating body as well as a governing body. The Board concluded that both the new both the new establishment and the prep room of the existing establishment is to be inspected and any violations should be referred to the Department for investigation and possible disciplinary action by the Board.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

None.

PRACTICE ISSUES

Transportation of Human Remains by Non-Licensed Persons – Opinion from Legal Counsel

Assistant Attorney General, Thomas Balistreri, wrote an opinion dated July 10, 2002. That opinion states that only a licensed funeral director (or an apprentice under the supervision of a licensed funeral director), a member of the decedent's immediate family or a person acting under s. 157.02 or 445.16 may legally move a corpse for the purpose of final disposition.

After much discussion, the Board is going to consider making a rule change to accommodate religious issues with regard to common carrier transportation and embalming. Currently, all remains being transported by common carrier must be embalmed. There are some religions that do not embalm their deceased thereby making it impossible to transport by common carrier.

Peggy Wichmann is going to take a closer look at this opinion and report back to the Board.

Discussion about ways to communicate information to licensees and to the public identified the DRL web site and other outreach and articles published in the trade magazine with a link on the website to maximize the number of professionals receiving the information.

Duty to Report Criminal Convictions per RL 4.09

Practitioners are required to report any conviction to the Board in writing with the date, time, place and nature of the offense within 48 hours of the entry of the judgment of conviction. The Board will determine if the conviction is substantially related to the profession and may commence a disciplinary action.

Shadowing of Funeral Home Activities by Students and/or Other Non-licensed Persons

It was concluded that a student or other non-licensed person may observe all aspects of funeral home activities, with the exception of the embalming room activities. With family permission, those areas may be observed as well. If the shadow is in the room during the family consult, the funeral director should introduce the shadow as such and ask permission from the family for the shadow to remain in the room.

Discussion of Practices Prohibited Pursuant to §445.12(6), Stats.

Section 445.12(6), Stats, prohibits a licensed funeral director or an employee of the funeral home from acting as a sexton for something of value.

BOARD MEMBER ACTIVITY

The members of the Board provided updates regarding activities in which they have participated since the last meeting.

PUBLIC COMMENTS

Megan Hummel explained the practice question project that some DRL interns are working on. They are asking the Boards to e-mail the specified interns with practice questions that they think should be on the Department's website. This project will include FAQ's, along with links to "White Papers," the Apprenticeship Workbook and performance/trade associations as well.

CLOSED SESSION

MOTION: J.C. Frazier moved, seconded by David Olsen, to convene to Closed Session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats. Roll Call Vote: J.C. Frazier-yes; Michele Moore-yes; Rosalie Murphy-yes; David Olsen-yes; Connie Ryan-yes; Pat Thornton-yes. Motion carried unanimously.

Open Session recessed at 12:33 p.m.

RECONVENE TO OPEN SESSION

MOTION Michele Moore moved, seconded by J.C. Frazier, to reconvene into Open Session at 1:53 p.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE

MONITORING REPORT

None.

DELIBERATION ON PROPOSED DECISIONS OR ANY SIGNED AFTER PRINTING OF AGENDA

None.

DELIBERATION ON DISCIPLINARY ACTIONS SIGNED AFTER PRINTING OF AGENDA

None.

PETITIONS FOR REHEARING RECEIVED AFTER THE MAILING OF AGENDA

None.

REQUEST FOR CLASS 1 HEARINGS OR ANY REQUESTED AFTER PRINTING OF AGENDA

None.

**APPLICATION REVIEW OR
ANY SUBMITTED AFTER PRINTING OF AGENDA**

None.

**REINSTATEMENT REQUESTS OR
ANY SUBMITTED AFTER PRINTING OF AGENDA**

None.

PROPOSED ORDER FIXING COSTS

**MARK S. PICHELMAYER
(LS 0609271FDR)**

MOTION: Rosalie Murphy moved, seconded by Michele Moore, to approve order to fix costs of \$1824.67 in the matter concerning **Mark S. Pichelmeyer (LS0609271FDR)**. Motion carried unanimously.

EXAMINATION ISSUES

None

CONSULTING WITH LEGAL COUNSEL

David Olsen asked if we knew who would provide legal counsel after the retirement of Peggy Wichmann. Yolanda McGowan explained that there is a process and that the Board will have legal counsel but we do not know when the replacement will be hired.

DOE – Signatures for Proposed Stipulations, Orders, and Administrative Warnings

Signatures were collected for all required documentation.

ADJOURNMENT

MOTION: David Olsen moved, seconded by Rosalie Murphy, to adjourn the meeting at 2:00 p.m. Motion carried unanimously.